

CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: APPEAL
DE NOVO COASTAL DEVELOPMENT PERMIT

APPEAL NUMBER: A-5-RDB-04-261

APPLICANTS: Michael & Kimberly Doyle **AGENT:** Nancy A. Lucast

APPELLANTS: Robert & Linda Moffat, Jill & Tony Pietrini, Kevin Farr, and Shannon Gyuricza

PROJECT LOCATION: 801 Esplanade, City of Redondo Beach, Los Angeles County.

PROJECT DESCRIPTION: Add 23-foot high, 835 square foot second story addition to an existing 13-foot high (above street), 1,673 square foot single-family residence, and remove ficus tree and private development from the adjacent public access easement.

Lot Area	3,000 square feet
Building Coverage	2,000 square feet
Pavement Coverage	500 square feet
Landscape Coverage	500 square feet
Parking Spaces	2
Zoning	R-1
Plan Designation	Single Family Residential
Building Height	23 feet above street (proposed)

SUMMARY OF STAFF RECOMMENDATION

The application for the proposed project is before the Commission as the result of an appeal of the City-approved local coastal development permit (No. 04-01). On August 12, 2004, the Commission found that a **substantial issue** exists in regards to the proposed project's effect on the public view from the Knob Hill area. The staff recommends that the Commission, after public hearing, **approve with conditions** a de novo coastal development permit for the proposed development.

The recommended special conditions would require the applicants to set the proposed second floor back at least fifteen feet from the northern property line. The recommended second floor setback would reduce the proposed project's effect on the public view that currently exists over the house, and it would also preserve the view corridor that exists over the twenty-foot wide public access easement that abuts the north side of the site. Additional special conditions are recommended to address private encroachments on the public access easement, protection of water quality, future shoreline protective devices and other future improvements, assumption of risk, local government approval, and deed restriction. **See Page Two for the motion and resolution** necessary to carry out the staff recommendation. The applicants do not agree with the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Redondo Beach Certified Local Coastal Program (LCP), 7/22/80.
2. City of Redondo Beach Local Coastal Development Permit No. 04-01 (Exhibit #6).
3. Coastal Development Permit 5-03-008 (807 Esplanade).
4. Coastal Development Permit 5-01-251-W (814 Esplanade).
5. Coastal Development Permit 5-03-016-W (900 Esplanade).
6. Returned Coastal Development Permit Application 5-03-527 (Doyle, 801 Esplanade).

STAFF NOTE:

On August 14, 2004, after a public hearing, the Commission found that a substantial issue exists in regards to the proposed project's effect on the public views of the coastline. After it finds substantial issue on appeal, the Commission is required to hear the matter *de novo*. According to Section 30604 of the Coastal Act, because this project is located between the first public road and the sea, the standard of review in considering the project is the access and recreation policies of the Coastal Act and the policies of the certified LCP.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit A-5-RDB-04-261 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby approves, subject to the conditions below, a coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Redondo Beach Local Coastal Program and the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Revised Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

- (a) Second Floor Building Setback. No portion of the structure within fifteen feet of the northern property line shall exceed thirteen feet in height (as measured above street level). The existing chimney may remain, but it shall not be extended any higher than its current height.
- (b) Building Height. The roof of the structure (as revised) shall not be higher than the currently proposed addition (22.5 feet as measured above street level).

The permittees shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Geologic Safety

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction on the bluff face. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer or architect). All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report.

B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the geotechnical report approved by the California Coastal Commission for the project site.

C. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Parking

At least two on-site parking spaces shall be provided and maintained in the garage of the single-family residence. Vehicular access to the on-site parking shall be taken only from Esplanade.

4. Encroachments

Prior to occupancy of the approved addition, the permittees shall remove all private development (i.e. fences, gas meter, etc.) from the public access easement that abuts the north side of their property. Private use or development of the beach, public access easement or any public right-of-way is not permitted. There shall be no encroachment of private development onto or over any portion of the public beach, easements or the rights-of-way abutting the applicants' property. Prohibited encroachments include, but are not limited to: landscaping, fences, tables, chairs and signs.

5. Construction Staging Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for the review and approval of the Executive Director, a Construction Staging Plan that identifies the project staging area(s) to be used during construction of the approved development. The construction staging plan shall include a site plan that depicts the limits of the construction site and staging area(s), construction corridors, and the location of fencing and temporary job trailers. No portion of the beach shall be used for construction staging activities, and the adjacent coastal accessway shall remain open and unobstructed at all times. The permittees shall undertake the development in conformance with the approved Construction Staging Plan. Any proposed changes to the approved Construction Staging Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Construction Responsibilities and Debris Removal

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- C. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

7. Future Improvements

This permit is only for the development described in Coastal Development Permit A5-RDB-04-261 as conditioned. Any future improvements to the single-family residence, including but not limited to repair and maintenance, shall require an amendment to Coastal Development Permit A5-RDB-04-261 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. No Future Bluff or Shoreline Protection Device

A. By acceptance of this coastal development permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit A5-RDB-04-261 in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this coastal development permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this coastal development permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this coastal development permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this coastal development permit, the applicants, on behalf of themselves and all successors and assigns, and any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this Coastal Development Permit A5-RDB-04-261 shall prevail.

11. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

12. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to add a 23-foot high, 835 square foot second floor onto an existing thirteen-foot high, 1,673 square foot single-family residence on a 3,000 square foot lot situated on the upper part of the coastal bluff that overlooks the public beach (Exhibit #4). The applicants also propose to remove private development (i.e. fences, gas meter, etc.) and a ficus tree from the public access easement that abuts the north side of the project site (Exhibit #6). The existing two-level (one-story with basement) house is on the seaward side of the improved public street (Esplanade) that currently provides vehicular access to the site (Exhibit #2). The existing two-car garage would be maintained within the ground floor of the house.

Esplanade, the first public street inland of the sea, runs along the top of the coastal bluff parallel to Redondo State Beach (Exhibit #1). The Esplanade right-of-way includes improved sidewalks for pedestrians and two-to-three automobile lanes. Esplanade is lined on both sides with multiple-unit and single-family residences, except south of Avenue A where the west (seaward) side of the street is devoid of structures (Exhibit #2). Expansive unobstructed public views of the shoreline are available from the Esplanade, south of Avenue A to the southern boundary of the City.

The project site, situated between the public beach and Esplanade, is part of a row of one- and two-story single-family homes that line the top of the bluff on the western edge of the densely developed residential neighborhood. Multi-unit residential buildings occupy most of the properties located on top of the bluff north of the site and immediately inland of the site. The height limit for the site, as set forth by the certified LCP, is thirty feet above existing grade (See Zoning Code Section 10-5.402 "Building Height"). The proposed residential addition, which extends 23 feet above the elevation of the fronting sidewalk (Esplanade), would obstruct part of the public's view of the sea from Knob Hill Avenue, but would not obstruct any public view from Esplanade or the any view from the public access stairway that abuts the northern edge of the project site (Exhibit #2).

B. Public Views – Visual Impacts

The project will have an effect on the public's view of the sea. As previously stated, the proposed residential addition, which extends 23 feet above the elevation of the fronting sidewalk (Esplanade), would obstruct part of the public's view of the sea from Knob Hill Avenue, the public street that intersects with Esplanade in front (east) of the project site (Exhibit #2). As one approaches the western end of Knob Hill Avenue from the east, there is a public view above the roof of the existing one-story house that consists of sky and part of the sea. The appellants are objecting to the proposed second story because it would block more of this public view than is currently blocked by the existing single-story house. The public view of the shoreline from the public stairway that abuts the northern side of the project site would not be affected by the proposed project (Exhibit #2). The applicants have revised their project

to restore part of the view from Knob Hill Avenue by removing a ficus tree that is presently growing in the public accessway and extending its canopy over their house. The City has agreed to the tree removal (Exhibit #6).

LCP Policies

The proposed development does not conflict with the specific view protection provisions in the City of Redondo Beach certified LCP. The implementing ordinances (LIP) of the LCP, however, invoke the Chapter 3 policies of the Coastal Act, including Section 30251, which protects visual resources and public views of the ocean.

Section 10-5.2218(a) of the implementing ordinances (LIP) portion of the certified LCP states:

“Approval, conditional approval, or denial of any Coastal Development Permit by the City of Redondo Beach shall be based upon compliance of the proposal with the provisions of the certified Redondo Beach Local Coastal Program and consistency with the policies of the Coastal Act.”

The appellants assert also that Section 30251 of the Coastal Act is adopted by reference as part of the certified Redondo Beach LCP because the certified LCP is intended to be consistent with, and be carried out in a manner fully in conformity with, the Coastal Act.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The appellants also assert that the following provisions of the certified LCP identify and protect the public views of the shoreline in the Knob Hill area, where the project site is located:

Pedestrian Access (LCP pp. 60-61)

Pedestrian access to the shoreline, in the form of improved walkways and ramps both vertical and lateral, is provided throughout the Redondo Beach coastal zone....

An important part of the pedestrian system is the blufftop walkway. This walkway parallels the western perimeter of Esplanade Avenue on a coastal plain, fifty feet above the shoreline. The walkway extends north from the southern boundary of the coastal zone at Torrance City boundary to Knob Hill on the north. An unobstructed blufftop view of the ocean is provided to both pedestrian and

automobile travelers along Esplanade. At Knob Hill, steps lead to a walkway midway between the shoreline and the blufftop walkway.

Coastal Recreation (LCP pp. 78-79)

The entire Redondo Beach shoreline is under public ownership. As a result, access to recreational opportunities is very good. The City of Redondo Beach offers a wide variety of coastal recreational opportunities including approximately 1.7 miles of public beach area, a blufftop walkway along the Esplanade to Knob Hill where pedestrian views of the beach are unhampered by residential development.

Beaches (LCP pp. 80-81)

...More than half of Redondo State Beach is open to direct public view from Esplanade, which varies in elevation along its length and offers fine vantage points for viewing the beach and ocean. A major public access walkway extends south from the Pier complex to Knob Hill approximately half the distance of the beach.

LCP Policy Analysis

The above-stated descriptive text from the certified LCP describes the project area, the blufftop walkway and the “*unobstructed blufftop view of the ocean*” along Esplanade, but the more specific policies of the LCP do not refer to protection of public views over the existing residential development.

While the certified LCP, which allows a thirty-foot high house on the site, does not identify any protected view corridor over the project site, the LCP also sets forth a statement of purpose that includes “maximize public access and public views of the coastline,” and includes a requirement that any development be found consistent with the Coastal Act ([Municipal Code Section 10-5.102(b)]). In its substantial issue hearing on this matter, the Commission considered the argument that the absence of specific references to this area in the LCP’s list of views to be protected meant that the LCP policies did not protect views over this parcel from Knob Hill Avenue. Instead, the Commission indicated that it wished to consider ways to protect the view from Knob Hill Avenue.

The Commission notes that the public stairway that abuts the northern side of the project site is specifically identified and protected in the *Pedestrian Access* section of the certified LCP (pp.61 & LUP Table IX, p.62). The City record states that the twenty-foot wide public accessway was part of the lot at 801 Esplanade (project site) until the property owner granted it to the City in the 1950’s (prior to the writing of the LCP). In fact, the City is allowing the applicants to enhance the public accessway next to the project site by removing the large ficus tree that currently interferes with shoreline views from Esplanade (Exhibit #6, p.8).

The Commission notes that Knob Hill Avenue is one of the few public streets that leads down from a high elevation at a right angle to the coastline, which also terminates in an open corridor affording a public view. Because it terminates in a public accessway, there is already a view down this street that is accessible to the public. Because the houses at and near the street end remain at one story, this view is enhanced by blue water views over the roofs.

The applicants argued successfully at the City that the LCP specifically allows them to build to thirty feet above the existing grade, and that the LCP does not identify this view for protection, instead singling out the parts of the Esplanade adjacent to public property. The applicants further argue that they have a right to expand their property and should not be required to change their design. Moreover, they argue that if the ficus tree is removed as they have proposed, the public view over the twenty-foot wide public accessway would be enhanced. The appellants argue that because of the requirement of consistency with the Coastal Act, no development should occur that interrupts a public view and that is not compatible with the established character of the community.

The Commission finds that the view can be preserved by reducing the width of the second floor addition and by requiring the applicants to carry out their proposal to remove the present obstructions in the public accessway easement. The applicants also agree that there is an existing fireplace with a chimney on the north side of the house. Due to fire protection codes, the chimney must extend higher than the roof of the house. The alternatives are to relocate the fireplace or to allow the applicant to extend the chimney in its existing location. The Commission finds that an extended chimney in the view corridor will be highly visible. As conditioned, the applicant still has an appreciable addition and the view from Knob Hill Avenue over the applicants' property will remain. As conditioned, the development will be sited and designed to protect public views to and along the ocean and scenic coastal areas, be visually compatible with the character of surrounding area and conform to the view protection provisions of the certified LCP.

As conditioned, the proposed development will protect the existing view and will be consistent with the community character of the surrounding area, consistent with Section 30251 and the certified LCP.

C. Alternatives

The appellants indicate that even an addition limited to half the width of the house will irretrievably impact public views and assert that the Commission should impose a redesign of the addition that "builds below" the present structure. Opponents have suggested the following alternatives to the applicant's proposed project.

1. Add to the existing house without increasing the building's height.

The existing house currently has a basement and a main floor. The Commission notes that part of the applicants' addition involves refinishing the existing basement. The opponents argue that the two existing levels could be enlarged to accommodate the applicant's desire for a larger home. The applicants have rejected this alternative, asserting that a seaward extension of the lower level (basement) of the existing structure cannot occur, since it already extends beyond the rear setback line (Exhibit #5). The rear setback line is at least 15 feet or 20% of the depth of the one hundred foot deep lot (Zoning Code Section 10-503). In fact, the currently proposed project involves the removal of the most seaward portion of the basement. As proposed, the remodeled house would conform with the rear setback requirement with the pullback of the basement. The applicants also assert that the main level of the existing house also cannot be extended further seaward because of a deed restriction on the property (and

adjacent properties) that limits the buildings' seaward extension (that portion over street level) to sixty feet from the street. The main level of the house currently extends the full sixty feet allowed by the deed restriction. Therefore, the existing two-level home could not be enlarged without violating the rear setback requirement or the limit imposed by the deed restriction. Therefore the Commission cannot require the applicants to "build below their present house" or further seaward that the present footprint of the house.

2. Demolish the existing house and build a new larger home by excavating a larger foundation out of the bluff.

Another option put forth by the opponents is to demolish the existing house and build a new three-level house that would not extend more than one-story of the street. This would involve excavating the bluff in order to create another level (or two) below the level of the existing basement. The applicants have also rejected this alternative. Their request is for a remodel and addition to the existing house, and they do not wish to demolish the house. The proposal for two or more subterranean levels may be feasible from an engineering standpoint, but it would raise other issues such as landform (bluff) alteration (see Coastal Act Section 30251). The LCP, in order to protect house from hazards of building on coastal bluffs and to protect natural landforms contains specific language preventing extensions seaward of the present line of development along the bluff. Such development, while lessening view impacts from Knob Hill Avenue could have possible impacts on views from the beach itself. Therefore the Commission cannot require the applicants to "build below their present house" or further seaward that the present footprint of the house.

3. Limit the blufftop homes on the street to a single story above the street.

This alternative could be implemented with an amendment to the City's certified Local Coastal Program (LCP). A denial of the proposed project would leave the existing house at its current height.

D. Public Access and Recreation

The proposed project, which is located between the first public road and the sea, must also conform with the following public access and recreation policies of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Maximum public access is provided by the public accessway that abuts the northern side of the project site. The applicants propose to remove private development (i.e. fences, gas meter, etc.) and a ficus tree from this public access easement (Exhibit #6).

Encroachments - Staging Plan

Any private encroachment onto the public beach or into the public accessway would conflict with the requirement of Section 30211 of the Coastal Act, which states: "Development shall not interfere with the public's right of access to the sea..." Therefore, Special Condition Four prohibits any such encroachments. In addition, the applicant is required to provide a construction staging plan (Special Condition Five) that avoids encroachments onto the public beach or into the public accessway. Only as conditioned does the proposed development conform certified LCP and the public access and recreation policies of the Coastal Act.

On site Parking

The proposed project must provide adequate on-site parking in order to protect the public on-street parking that supports public access to the beach. Two existing on-site parking spaces in the garage serve the single-family residence. The permit is conditioned to require the maintenance of the two on-site parking spaces. As conditioned, the Commission finds that the proposed development conforms certified LCP and the public access and recreation policies of the Coastal Act.

E. Marine Resources

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms certified LCP and the marine resource policies of the Coastal Act.

F. Future Improvements

The development is located within an existing developed area and, as conditioned, would be compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which could adversely affect public views and public access and recreation. To assure that future development is consistent with the certified LCP and the policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the certified LCP and the policies of the Coastal Act.

G. Geologic Safety, Future Shoreline/Bluff Protection and Assumption of Risk

Section 30253 of the Coastal Act states, in part:

New development shall: 1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...

The bluff on which the project site is located is an eroding landform and therefore hazardous by nature. Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Therefore, the new development must minimize this risk. Special Condition Two requires that the applicants, prior to issuance of the coastal development permit, shall submit for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction on the bluff. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer or architect). All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report. Only as conditioned does the development conform with the provisions of the Section 30253 and the certified LCP.

As previously stated, development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require adherence to the geotechnical recommendations, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development.

In order to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owners record a deed restriction against the property, referencing all of the special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or

obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

H. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the City of Redondo Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Attachments: Exhibit Nos.1-7
 Appendix A: Applicants' & Proponents' Correspondence
 Appendix B: Appellants' & Opponents' Correspondence